

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

1. Sections Affected

R7-2-606
R7-2-608
R7-2-609
R7-2-610
R7-2-612
R7-2-614

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend

2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 15-203(A)

Implementing statute: A.R.S. § 15-203(A)(14)

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 8 A.A.R. 4426, October 18, 2002

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Christy Farley
Executive Director, State Board of Education

Address: 1535 W. Jefferson, Room 418
Phoenix, AZ 85007

Telephone: (602) 542-5057

Fax: (602) 542-3046

E-mail: cfarley@ade.az.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The proposed rules require the State Board of Education to either adopt the performance portion of the Arizona Teacher Proficiency Assessment or make a decision that the performance assessment will no longer be required by June 30, 2005. The proposed rules specifically describe the type of work experience that a teacher needs to extend a Provisional Certificate or to convert it to a Standard Certificate. The proposed rules provide that verification of whether an employment emergency exists (such that an emergency teaching certificate may be issued) shall be provided by a school district, rather than a County superintendent. These rules also eliminate language in the rules referring to a passing score on the "performance portion" of the Arizona Administrator Proficiency Assessment. Finally, the proposed rules provide that a Superintendent Certificate shall not be required for superintendents of school districts with less than 600 students until June 30, 2005. These rules were initiated in order to clarify and amend the rules concerning teaching and administrative certificates, especially those sections concerning performance assessments.

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- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable

- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

The proposed rules will not diminish any previous grant of authority of a political subdivision of this state.

- 8. The preliminary summary of the economic, small business, and consumer impact:**

The State Board of Education is requesting a six-month extension of the following emergency rules: R7-2-606 – Proficiency Assessments; R7-2-608 – Elementary Teaching Certificates; R7-2-609 – Secondary Teaching Certificates; R7-2-610 – Special Education Teaching Certificates; R7-2-612 – Other Teaching Certificates; and R7-2-614 – Administrative Certificates.

Teachers and administrators seeking initial certification, or extensions to or conversions of existing certifications will benefit by having rules in place enabling them to do so. Statewide, students, schools, and school districts will benefit by having a continuing stream of qualified teachers available. Neither the State Board of Education, the Department of Education, nor any school districts or other political subdivisions will be subject to additional costs by these rules. There will be no effect on small business or on state revenues, and there is not a less-intrusive method for accomplishing the goals achieved by these rules.

- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Christy Farley
Executive Director, State Board of Education

Address: 1535 W. Jefferson, Room 418
Phoenix, AZ 85007

Telephone: (602) 542-5057

Fax: (602) 542-3046

E-mail: cfarley@ade.az.gov

- 10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding on the proposed rulemaking is scheduled as follows:

Date: January 28, 2002

Time: 9:30 a.m.

Location: State Board of Education
1535 W. Jefferson, Room 417
Phoenix, AZ 85007

- 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class or rules:**

Not applicable

- 12. Incorporations by reference and their location in the rules:**

None

- 13. The full text of the rules follows:**

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 6. CERTIFICATION

Section

R7-2-606.	Proficiency Assessments
R7-2-608.	Elementary Teaching Certificates
R7-2-609.	Secondary Teaching Certificates
R7-2-610.	Special Education Teaching Certificates
R7-2-612.	Other Teaching Certificates
R7-2-614.	Administrative Certificates

ARTICLE 6. CERTIFICATION

R7-2-606. Proficiency Assessments

- A. No Change
- B. No Change
- C. No Change
- D. The performance assessment portion of the Arizona Teacher Proficiency Assessment shall assess proficiency as described in R7-2-602(B), R7-2-602(C), R7-2-602(D), R7-2-602(E), R7-2-602(F), and R7-2-602(G) as a requirement for certification of elementary, secondary, and special education teachers. In lieu of a passing score on the performance portion of the Arizona Teacher Proficiency Assessment, a teacher who holds a provisional teaching certificate may convert such certificate within two months prior to its expiration to a standard elementary, secondary or special education teaching certificate pursuant to R7-2-606(H) until the Board adopts the performance assessment portion of the Arizona Teacher Proficiency Assessment. The Board shall adopt the performance assessment portion of the Arizona Teacher Proficiency Assessment, or make a decision that a performance assessment will no longer be required as part of the Arizona Teacher Proficiency Assessment no later than June 30, 2005.
- E. The Arizona Administrator Proficiency Assessment shall assess professional knowledge ~~and performance~~ as described in R7-2-603 as a requirement for certification of administrators, supervisors, principals, and superintendents.
- F. No Change
- G. No Change
- H. The provisional elementary, secondary, or special education certificate allows the beginning teacher up to four semesters or two school years of teaching experience before completing the performance assessment portion of the Arizona Teacher Proficiency Assessment.
 - 1. If the Board has adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment but the teacher has not been employed in a teaching position does not have full time teaching experience for four semesters or two school years, the certificate shall, upon the written request of the holder, be extended once for the equivalent of the time the teacher was employed during the provisional certification period.
 - 2. If the Board has adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment and the teacher has been employed for four semesters or two school years but has not successfully completed and has taken but not passed the performance assessment, the certificate shall be extended once, for one year, upon the written request of the holder.
 - 3. If the teacher has been employed full-time for four semesters or two school years in a private school, public school, charter school, or parochial school in the United States or any Department of Defense dependent school or in a closely related education field and the Board has not yet adopted the performance portion of the Arizona Teacher Proficiency Assessment, the provisional certificate shall be converted within two months prior to its expiration to a standard teaching certificate upon verification by the teacher to the Department that he or she has had four semesters or two school years of teaching experience or experience in a closely related education field. "Closely related education field" means employment involving the presentation of instruction to K-12 students whether self-employed or employed by a private, parochial, public or charter school.
 - 4. If the teacher has not been employed full-time for four semesters or two school years in a private school, public school, charter school, or parochial school in the United States or any Department of Defense dependent school or in a closely related education field, and the Board has not yet adopted the performance assessment portion of the Arizona Teacher Proficiency Assessment, the provisional certificate shall be extended two years, upon written request of the holder to the Department. "Closely related education field" means employment involving the presentation of instruction to K-12 students whether self-employed or employed by a private, parochial, public or charter school.
 - 5. If the performance assessment portion of the Arizona Teacher Proficiency Assessment is adopted by the Board prior to the expiration of a teacher's provisional certificate, the provisional certificate shall be extended two years, upon

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written request of the holder to the Department, to allow the teacher additional time in which to take the performance portion of the assessment.

- I. If the provisionally certified teacher has ~~not successfully completed~~ taken but not passed the performance assessment by the expiration date on the extended certificate pursuant to (H)(1) or (H)(2) of this Section, the individual may reapply for a provisional certificate after one year, upon verification of the following:
1. Efforts to remediate deficiencies identified in the performance assessment;
 2. Passing score on the professional knowledge portion of the Arizona Teacher Proficiency Assessment taken in the past year; and
 3. Completion of the requirements for the provisional certificate which are in effect at the time of reapplication.

R7-2-608. Elementary Teaching Certificates

- A. No Change
- B. Provisional Elementary Certificate -- grades K-8
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
- C. No Change

R7-2-609. Secondary Teaching Certificates

- A. No Change
- B. Provisional Secondary Certificate -- grades 7-12
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
- C. No Change

R7-2-610. Special Education Teaching Certificates

- A. No Change
- B. No Change
- C. Provisional Cross-Categorical Special Education Certificate -- grades K-12
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
 3. No Change
- D. No Change
- E. Provisional Specialized Special Education Certificate -- grades K-12
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
 3. No Change
- F. No Change
- G. Provisional Severely and Profoundly Disabled Certificate -- grades K-12
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
- H. No Change
- I. Provisional Hearing Impaired Certificate -- grades K-12
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
- J. No Change
- K. Provisional Visually Impaired Certificate -- grades K-12
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
- L. No Change
- M. Provisional Speech and Language Impaired Certificate -- grades K-12
1. This certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
- N. No Change
- O. Provisional Early Childhood Special Education Certificate -- Birth to five years
1. The certificate is valid for two years and is not renewable but may be extended as set forth in R7-2-606(H) or (I).
 2. No Change
- P. No Change

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R7-2-612. Other Teaching Certificates

- A. No Change
- B. No Change
- C. Emergency Substitute Certificate -- grades K-12
 - 1. No Change
 - 2. The certificate entitles the holder to substitute only in the ~~specified county and in districts the county school superintendent approves.~~ district that verifies that an emergency employment situation exists.
 - 3. No Change
 - 4. The holder of an emergency substitute certificate shall be limited to 120 days of substitute teaching per school year, ~~and shall not serve in any 1 classroom for more than 20 working days.~~
 - 5. The requirements for initial issuance are:
 - a. High school diploma;
 - b. Verification from the school district superintendent that an emergency employment situation exists; and
 - e. ~~Concurrence by the county school superintendent that an emergency employment situation exists; and~~
 - d.c. A valid Class 1 or Class 2 fingerprint clearance card.
 - 6. The requirements for each reissuance are:
 - a. Two semester hours of academic courses completed since the last issuance of the Emergency Substitute Certificate. District in-service programs designed for professional development may substitute for academic courses. Fifteen clock hours of in-service is equivalent to one semester hour. In-service hours shall be verified by the district superintendent or personnel director. Individuals who have earned 30 or more semester hours are exempt from this requirement;
 - b. Verification from the school district superintendent that an emergency employment situation exists; and
 - e. ~~Concurrence by the county school superintendent that an emergency employment situation exists; and~~
 - d.c. A valid Class 1 or Class 2 fingerprint clearance card.
 - 7. ~~When the requesting school is a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, a tribally controlled or contract school, concurrence by the county school superintendent shall not be required.~~
- D. Emergency Teaching Certificate -- grades K-12
 - 1. No Change
 - 2. No Change
 - 3. No Change
 - 4. The certificate entitles the holder to teach only in the district that verifies that an emergency employment situation exists.
 - 4.5. The requirements for initial issuance are:
 - a. A Bachelor's degree;
 - b. Verification from the school district superintendent that an emergency employment situation exists; and
 - e. ~~Concurrence by the county school superintendent that an emergency employment situation exists; and~~
 - d.c. A valid Class 1 or Class 2 fingerprint clearance card.
 - 5.6. The requirements for reissuance are:
 - a. Verification from the school district superintendent that an emergency employment situation exists;
 - b. ~~Concurrence by the county school superintendent that an emergency employment situation exists;~~
 - e.b. Six semester hours of courses toward meeting the requirements for the specified certificate or endorsement, completed since the last issuance of the emergency teaching certificate; ~~If an applicant is enrolled in a Board approved teacher preparation program, 90 clock hours toward completion of the program may substitute for the 6 semester hours; and~~
 - d.c. A valid Class 1 or Class 2 fingerprint clearance card.
 - 6. ~~When the requesting school is a charter school, a Bureau of Indian Affairs school, a Bureau of Indian Affairs grant school, tribally controlled or contract school, concurrence by the county school superintendent shall not be required.~~
- E. No Change
- F. No Change
- G. No Change
- H. No Change

R7-2-614. Administrative Certificates

- A. No Change
- B. Supervisor Certificate -- grades Prekindergarten-12
 - 1. No Change
 - 2. No Change

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3. The requirements are:
 - a. A standard elementary, secondary, or special education certificate;
 - b. A Master's or more advanced degree;
 - c. Three years of verified teaching experience in grades Prekindergarten-12;
 - d. Completion of a program in educational administration which shall consist of a minimum of 18 graduate semester hours of educational administration courses which teach the knowledge and skills described in R7-2-603;
 - e. A practicum in educational administration or two years of verified educational administrative experience in grades Prekindergarten-12;
 - f. A passing score on the ~~professional knowledge portion of the~~ Arizona Administrator Proficiency Assessment;
and
 - ~~g. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment.~~
 - ~~h-g.~~ A valid Class 1 or Class 2 fingerprint clearance card.
 4. No Change
- C. Principal Certificate -- grades Prekindergarten-12
1. No Change
 2. No Change
 3. The requirements are:
 - a. A Master's or more advanced degree;
 - b. Three years of verified teaching experience in grades Prekindergarten-12;
 - c. Completion of a program in educational administration for principals including at least 30 graduate semester hours of educational administration courses teaching the knowledge and skills described in R7-2-603;
 - d. A practicum as a principal or two years of verified experience as a principal or assistant principal in grades Prekindergarten-12;
 - e. A passing score on the ~~professional knowledge portion of the~~ Arizona Administrator Proficiency Assessment;
and
 - ~~f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; and~~
 - ~~g-f.~~ A valid Class 1 or Class 2 fingerprint clearance card.
 4. No Change
- D. Superintendent Certificate -- grades Prekindergarten-12
1. The superintendent certificate is required for superintendents, assistant or associate superintendents, district chief executive officers regardless of title, and others with similar district-level administrative duties. In school districts with a student population of fewer than 600, a superintendent certificate shall not be required until June 30, 2005.
 2. No Change
 3. The requirements are:
 - a. A Master's or more advanced degree including at least 60 graduate semester hours;
 - b. Completion of a program in educational administration for superintendents, including at least 36 graduate semester hours of educational administrative courses which teach the standards described in R7-2-603;
 - c. Three years of verified teaching experience in grades Prekindergarten-12;
 - d. A practicum as a superintendent or two years verified experience as a superintendent, assistant superintendent, or associate superintendent in grades Prekindergarten-12;
 - e. A passing score on the ~~professional knowledge portion of the~~ Arizona Administrator Proficiency Assessment;
and
 - ~~f. A passing score on the performance portion of the Arizona Administrator Proficiency Assessment; and~~
 - ~~g-f.~~ A valid Class 1 or Class 2 fingerprint clearance card.
 4. No Change
 5. No Change

NOTICE OF PROPOSED RULEMAKING

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE

PREAMBLE

- | | |
|---|--|
| <u>1. Sections Affected</u>
R20-6-401 | <u>Rulemaking Action</u>
New Section |
|---|--|
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 20-143(B)
Implementing statute: A.R.S. § 20-143(B)
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
Notice of Rulemaking Docket Opening: 8 A.A.R. 4011, September 20, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Margaret McClelland
Address: Arizona Department of Insurance
2910 N. 44th Street, Second Floor
Phoenix, AZ 85018
Telephone: (602) 912-8456
Fax: (602) 912-8452
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Department proposes this rule to incorporate by reference the National Association of Insurance Commissioners (NAIC) model regulation found at NAIC Model Laws, Regulations and Guidelines, Volume III, pp. 490-1 through 490-40, Regulation Regarding Proxies, Consents and Authorizations of Domestic Stock Insurers, as of April 1995, with a modification to meet the statutory requirement of A.R.S. § 20-143(B).

Former rule R20-6-403, Proxies, Consents, and Authorizations of Domestic Stock Insurers, expired under A.R.S. § 41-1056(E) on August 24, 2000. Prior to expiration, the rule governed proxies, consents and authorizations with respect to securities issued by certain insurance companies. Recently, American Savings Life Insurance Company of Mesa, AZ petitioned the Department for rulemaking action to re-adopt the rule. The absence of the rule means certain Arizona insurance companies can no longer satisfy the requirements for an exemption allowed under the Securities and Exchange Act of 1934 (1934 Act). This exemption allows an insurer engaged in interstate commerce, or whose securities are traded by mail or interstate commerce, to avoid registration with the Securities and Exchange Commission (SEC) if three requirements are met, including that the insurance company is subject to regulation by its domiciliary state of proxies, consents, or authorization and the regulation conforms to that prescribed by the NAIC. Because Arizona law does not presently have a provision that satisfies this requirement (due to the expiration of former R20-6-403), some insurance companies are subject to cumbersome and costly registration requirements of the 1934 Act. This rulemaking is proposed to correct that problem.

The NAIC model regulation that the Department proposes to incorporate by reference differs from the 1934 Act in that the model regulation is applicable to domestic insurers that have any class of equity securities held of record by 300 or more persons. The exemption provided under the 1934 Act is applicable to domestic insurers that have assets exceeding \$1 million and a class of equity securities held by 500 or more. In Arizona, under A.R.S. § 20-143(B), the rule regarding proxies, consents or authorizations must apply to securities issued by domestic stock insurance companies having equity securities held by more than 100 persons. Because of the lower threshold required by statute in Arizona, the proposed rule will apply to more domestic stock insurers than just those seeking exemption under the 1934 Act. Domestic insurers that have between 100 to 499 shareholders of record will have to provide their shareholders with proxies, consents, and authorizations that meet the disclosure standards provided in the proposed rule. Shareholders being solicited by or on behalf of the management of the insurer will be provided with important financial, operational, and management information about the insurer that might otherwise be unavailable to them.

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The proposed rule will ensure access to information helping the shareholders to be more informed and better able to carry out important voting responsibilities.

Over 40 states have adopted this NAIC model regulation or a similar regulation.

The Department intends to include information in the preamble of the Notice of Final Rulemaking that demonstrates that the rule needs to be effective immediately on filing with the Office of the Secretary of State under A.R.S. § 41-1032(A).

Specific Section-By-Section Explanation of This Proposal

R20-6-401. Proxies, Consents and Authorizations of Domestic Stock Insurers

The Department proposes this rule to incorporate by reference the NAIC regulation regarding proxies, consents and authorizations of domestic stock insurers found at NAIC Model Laws, Regulations and Guidelines, Volume III, pp. 490-1 through 490-40, Proxies, Consents and Authorizations of Domestic Stock Insurers, as of April 1995, with the exception that, as required by statute in Arizona, the rule will be applicable to domestic insurers that have a class of equity securities held of record by 100 or more persons, rather than by 300 or more persons as provided in the NAIC model regulation.

- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business and consumer impact:**

Insurers that utilize the SEC exemption and thus, are subject to this regulation, are domestic stock insurers that have total assets in excess of \$1,000,000 and a class of equity security (other than an exempted security) held of record by 500 or more persons. Without this rule, these insurers cannot satisfy the SEC exemption, and they would be required to register that class of equity security with the SEC under the 1934 Act. Securities registration is complex, costly and burdensome. This rule will reduce the regulatory and financial burden on insurers who fit within the scope of the rule.

A company that has between 100 to 499 shareholders of record will have new economic impacts as a result of being subject to the proposed rule. Those companies will have to file a proxy statement with the Department and provide proxy statements to shareholders, resulting in additional publication and mailing costs.

The Department does not know exactly how many insurers will be subject to regulation under the proposed rule, but the number is expected to be under five. The Department believes that at least one of those insurers, the petitioner for this rulemaking, meets the definition of a small business. That insurer, and any other small business insurer meeting the exemption requirements under the 1934 Act, is expected to have substantial cost savings as a result of the exemption under the 1934 Act. For those insurers that might incur costs for publication and mailing, the Department believes that the benefits of the rule to the shareholders of those companies and the importance of access to information outweigh the costs of subjecting these few companies to this rule.

This rule is expected to have little economic impact on consumers. There could be some minimal trickle down cost savings to insureds as a result of reduced costs to the insurers who take advantage of the exemption under the 1934 Act. Conversely, for insurers with 100 to 499 shareholders of record, it is possible that some minimal costs could be passed on to the insureds for publication and mailing costs. However, those costs are outweighed by the benefits of access to and disclosure of important company information to the insureds.

The Department will incur some minimal costs for review of the filings made. There will be a minimal economic impact on the Department, the Office of the Secretary of State and the Governor's Regulatory Review Council for costs associated with the rulemaking process. The Department does not expect the rulemaking to have any economic impact on any other public agencies.

- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Margaret McClelland

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Address: Arizona Department of Insurance
2910 N. 44th Street, Second Floor
Phoenix, AZ 85018

Telephone: (602) 912-8456

Fax: (602) 912-8452

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

ADOI will hold an oral proceeding to receive public comments in accordance with A.R.S. § 41-1023 on January 6, 2003 at 10:00 a.m. at the Arizona Department of Insurance, 2910 N. 44th Street, Phoenix, Arizona, 3rd floor training room. ADOI will accept oral or written comments that are received by 5:00 p.m. on January 8, 2003 or which are postmarked by that date. The comment period will end and the record will close at 5:00 p.m. on January 8, 2003.

ADOI is committed to complying with the Americans with Disabilities Act. If any individual with a disability needs any type of accommodation, please contact ADOI at least 72 hours before the hearing.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rule:

NAIC Model Laws, Regulations and Guidelines, Volume III, pp. 490-1 through 490-40, Regulation Regarding Proxies, Consents and Authorizations of Domestic Stock Insurers, as of April 1995 is incorporated by reference in R20-6-401.

13. The full text of the rules follows:

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE

ARTICLE 4. TYPES OF INSURANCE COMPANIES

Section

R20-6-401. ~~Expired~~ Proxies, Consents and Authorizations of Domestic Stock Insurers

ARTICLE 4. TYPES OF INSURANCE COMPANIES

R20-6-401. ~~Expired~~ Proxies, Consents and Authorizations of Domestic Stock Insurers

The Department adopts, incorporates, and approves as its own, National Association of Insurance Commissioners Model Laws, Regulations and Guidelines, Volume III, pp. 490-1 through 490-40, Regulations Regarding Proxies, Consents, and Authorizations of Domestic Stock Insurers, as of April 1995 (and no future editions or amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Department of Insurance, 2910 North 44th Street, Phoenix, Arizona 85018 and the National Association of Insurance, Commissioners, Publications Department, 2301 McGee St., Suite 800, Kansas City, MO 64108, modified as follows:

Section 1 A is modified to read “No domestic stock insurer that has any class of equity securities held of record by 100 or more persons, or any director, officer or employee of that insurer, or any other person, shall solicit, or permit the use of the person’s name to solicit, by mail or otherwise, any proxy, consent or authorization in respect to any class of equity securities in contravention of this regulation and Schedules A and B, hereby made a part of this regulation.

Domestic stock insurance companies shall comply with this Section as required under A.R.S. § 20-143(B).